

Request for Reconsideration under 37 C.F.R. § 1.111  
U.S. Appln. No. 09/512,313

Claims 1, 4, and 15 are rejected under 35 U.S.C. § 102(b) as being unpatentable over newly cited Kaku et al. (4,751,695).

Claims 5-7 and 13 are rejected; however, it is not clear under which basis these claims are being rejected. Applicants treat this rejection also under § 102(b).

### **Analysis**

Claims 1 recites that the deflector is supported by the supporting frame such that both of the deflection angle of the deflector and the distance between the deflector and the light source are adjustable. Kaku merely discloses a configuration in which only the deflection angle of the mirror 96 (deflector) is adjustable. As is clear from Col. 5, lines 18-20 of Kaku, the distance between the deflector and the light source is invariable because the entirety of the optical head 70 is displaced in a radial direction of the optical disk.. Thus, Applicants respectfully submit that Kaku does not show each and every feature of claim 1.

Claim 4 is directed to a method in which the deflection angle is adjusted, and the distance between the deflector and laser light emitting device is adjusted. As with claim 1, Kaku fails to teach or suggest that both arrangements are adjusted. In addition, Kaku fails to disclose that the deflection angle and distance are then secured. Thus, claim 4 is patentable.

The remaining rejections are directed to the dependent claims. These claims are patentable for at least the same reasons as claims 1 and 4, by virtue of their dependency therefrom. Moreover, these claims are patentable due to their own recitations contained therein.

Request for Reconsideration under 37 C.F.R. § 1.111  
U.S. Appln. No. 09/512,313

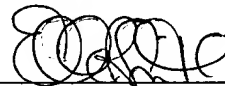
For example, claim 15 describes a final product in which both of the deflection angle and the distance between the deflector and the light source are secured so as to satisfy the claimed conditions. Kaku does not disclose a product manufactured by such a method.

### Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Ellen R. Smith  
Registration No. 43,042

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

Date: August 11, 2003

Attorney Docket No.: Q57991